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Dec. 11, 2003

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OFFICE OF PETITIONS

Docket No.: 1279-237

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Arnout Imhof et al.

Confirmation No. 4056

Serial No.: 09/747,226

Group Art Unit: 1755

Filed: February 26, 2001

Examiner: Paul Marcanto

For: METHOD FOR THE PRODUCTION OF  
MACROPOROUS CERAMICS

**PETITION TO REVIVE PATENT APPLICATION**

Mail Stop PETITION  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22213-1450

Dear Sir:

In response to the Notice of Abandonment mailed December 3, 2003, please note that the a response to the Office Action mailed April 24, 2003 was timely filed July 23, 2003. Enclosed are:

1. Copy of post card receipt acknowledging receipt of the Amendment filed on July 23, 2003.
2. A copy of the Express Mail receipt showing the amendment was mailed on July 23, 2003.
3. Copy of the Track and Confirm from the U. S. Postal Services, stating the envelope was received and signed for by J. Steckel.
4. A copy of the Amendment that was enclosed in said Express Mail envelope which bears a Certificate of Mailing. Upon receiving the Notice of Abandonment my secretary, Jean

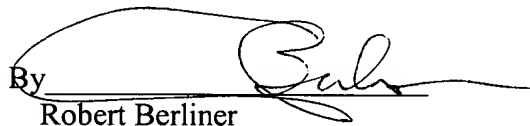
Bove, called Examiner Marcantoni and he advised her that the amendment never made it into the file and to file a Petition to Revive.

Please reinstate the above-identified application.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0337, under Order No. 1279-237. A duplicate copy of this paper is enclosed.

Dated: Dec. 11, 2003

Respectfully submitted,

By 

Robert Berliner

Registration No.: 20,121

FULBRIGHT & JAWORSKI L.L.P.

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Attorneys for Applicant

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Atty Docket No.: LA-1279-237.US-01

Reference:

Inventor: David Pine

Application No.: 09/747226

Filing Date: February 26, 2001

Title: METHOD FOR THE PRODUCTION OF MACROPOROUS CERAMICS

Documents Filed:

Amendment in Response to Office Action of 4/24/03



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/747,226  
Applicant: Arnout Imhof et al.  
Filed : December 22, 2000  
TC/AU: 1755  
Examiner: Paul Marcantoni

Confirmation No. 4056

24/E

3/5/04

Docket No.: 1279-237D/09804152  
Customer No.: 000167

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as ~~Express~~ mail in an envelope addressed to the Commissioner for Patents, Washington, D. C. 20231.

Date: July 23, 2003

  
Jean Bove

FULBRIGHT & JAWORSKI, L.L.P.  
865 S. Figueroa Street, 29th Floor  
Los Angeles, CA 90017-2571

AMENDMENT

Mail Stop Amendment No Fee  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed April 24, 2002, please amend the above-identified application as follows:

Please cancel claim 21, amend claim 20, and add claim 24 as follows:

## AMENDMENT TO THE CLAIMS

20. (Currently amended) A macroporous ceramic having pores ~~of at least .05 $\mu$ m and in~~ the range of 0.5  $\mu$ m to 5  $\mu$ m of substantially uniform diameter uniformly dispersed therein.

21. (Canceled)

22. (Previously added) The macroporous ceramic of claim 20 in which the ceramic is a metal oxide.

23. (Previously amended) The macroporous ceramic of claim 20 in which ~~said~~ the ceramic is a metal oxide ~~is~~ selected from the group consisting of titanium dioxide, zirconium dioxide and silicon dioxide.

24. (New) The macroporous ceramic of claim 20 in which said pores have a maximum pore size difference of 20%.

## REMARKS

The Amendment is that of February 10, 2003 in which claim 21 was canceled, claim 20 was amended, and claim 24 was added. Additionally, claim 23 has been amended to provide antecedent basis for "metal oxide".

The rejection of claims 20, 22 and 23 under 35 U.S.C. § 103(a) is respectfully traversed. The Examiner cites Van 'T Veen as teaching an average pore diameter in the range of 0.02  $\mu\text{m}$  to 1  $\mu\text{m}$  for a microporous layer. However, Van 'T Veen also indicates that a macroporous support can have pore sizes between 0.1  $\mu\text{m}$  and 50  $\mu\text{m}$  or more (column 3, lines 7 - 8), and that macroporous materials normally exhibit structural irregularities that prevent the formation of a uniform microfilter (column 1, lines 29 - 32). Thus, Van 'T Veen indicates uncertainty about structural uniformity in the region of overlap between microporous and macroporous materials. Such uncertainty teaches away from the present invention and provides no motivation to apply the teachings of Van 'T Veen to macroporous materials with pore sizes in the range of 0.5  $\mu\text{m}$  to 5  $\mu\text{m}$ . Accordingly, Van 'T Veen does not render the claims obvious.

In light of the above, Applicants submit that the claims are in condition for allowance. A timely Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Berliner", with a long horizontal flourish extending to the right.

Robert Berliner  
Registration No. 20,121

(213) 892-9237